



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 03 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7014 1200 0000 6124 7830

Mr. Michael Denton
President
Denton Castings Company, Inc.
102 Main Street
Brandon, Iowa 52210

RE: Denton Castings Company, Inc.
Brandon, Iowa
RCRA ID No.: IA000008011

Dear Mr. Denton:

Letter of Warning/Request for Information

On September 1, 2015, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

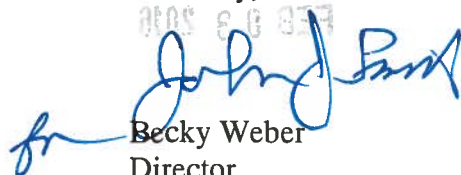
My staff has reviewed the inspection report and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Nicole Moran, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Nicole Moran, of my staff, at (913) 551-7641.

Sincerely,

A handwritten signature in blue ink, appearing to read "Becky Weber". Above the signature is a faint, rectangular stamp with the text "JUN 28 2005".

Becky Weber
Director
Air and Waste Management Division

Enclosures (3)

cc: Contaminated Sites Section Supervisor
Iowa Department of Natural Resources

List of Violations Documented at Denton Castings Company, Inc.
in Brandon, Iowa on September 1, 2015

1. Title 40 Code of Federal Regulations (40 CFR) 262.11 states that a person who generates a solid waste, must determine if that waste is a hazardous waste. During the inspection, the inspector asked the facility representative what was done with the spent bromium (Br) crucibles and he stated that the crucibles were considered non-hazardous, are broken and disposed in the general trash. The inspector asked if a hazardous waste determination had been conducted on the spent Br crucibles and the facility representative was not aware of a hazardous waste determination having been conducted. DCC's non-hazardous determination of the spent Br crucibles is inadequate inasmuch as the crucibles have been in contact with molten Br, which may contain lead.
2. 40 CFR 262.11 states that a person who generates a solid waste, must determine if that waste is a hazardous waste. During the inspection, the inspector observed a workbench with a variety of paint cans stored. The inspector asked if the paint could be used and the facility representative stated that he did not know and "thought it was probably waste." The inspector asked if DCC had conducted a hazardous waste determination on the miscellaneous paint cans and it was stated that DCC had not conducted a hazardous waste determination on the paint; therefore, DCC failed to conduct a hazardous waste determination on paint stored in the "stage" area.
3. 40 CFR 273.15(c) states that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste.

40 CFR 273.13(d)(1) states that a small quantity handler of universal waste must contain any lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

40 CFR 273.14(e) states that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

During the inspection, the inspector observed more than 100 four-foot fluorescent lamps stored in the "stage" area of the foundry building. The inspector asked the facility representative if the lamps were spent or new and he responded that he was "reasonably sure that all the lamps were spent" and no longer useful. The inspector observed one eight-foot cardboard container that was empty and several cardboard boxes that contained four-foot lamps stored next to the larger cardboard container. The cardboard boxes containing lamps were open and approximately 50 four-foot lamps were not in any sort of container. The lamps were not marked in any manner. The facility representative was not sure how long the lamps had been stored in the "stage" area; therefore, the inspector determined that DCC was in violation of labeling, dating and closing universal waste lamp containers.

4. 40 CFR 262.40(a) states that a generator must keep a copy of each signed manifest for three years or until a signed copy from the designated facility which received the waste is received. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. During the inspection, the inspector reviewed 11 manifests. During the inspector's review of the manifests it appeared that DCC's hazardous waste generation had declined during the period of September 30, 2014 and June 18, 2015. The facility representative could not explain why the rate of hazardous waste generation had declined during this time period; therefore, the inspector concluded that waste appeared to be unaccounted for and that DCC may have failed to maintain each manifest for the previous 3 years.
5. 40 CFR 262.34(d)(5)(i) states that at all times there must be at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures. This employee is the emergency coordinator. During the inspection, the inspector asked the facility representative if there was an emergency coordinator at DCC and he responded that no one was designated as the emergency coordinator; therefore, DCC was in violation of 40 CFR 262.34(d)(5)(i).
6. 40 CFR 262.34(d)(5)(ii) states that the generator must post the name and telephone number of the emergency coordinator, location of fire extinguishers and spill control equipment and the telephone number of the fire department. During the inspection, the inspector asked the facility representative where the nearest telephone was located in the hazardous waste accumulation area and the facility representative stated that it was located in the administrative office. The inspector observed that the emergency coordinator's name and phone number, the fire department's phone number, and the location of fire extinguishers and spill control equipment were not posted near the phone, thus violating 40 CFR 262.34(d)(5)(ii).
7. 40 CFR 262.34(d)(4) referencing 40 CFR 265.37 states that the owner or operator must make arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes. During the inspection, the inspector asked the facility representative if DCC has made arrangements with local emergency agencies in the event of a hazardous waste emergency. The facility representative stated that he was not aware of any arrangements with local emergencies, thus violating 40 CFR 262.34(d)(4) referencing 40 CFR 265.37.
8. *40 CFR 273.15(a) states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated. During the inspection, the facility representative was not sure how long the lamps had been stored in the "stage" area. The facility representative checked his records for the last Bill of Lading and Certificate of Recycling that had been received from DCC's spent lamps servicing company. Based on the inspector's review of the documents, the last time spent lamps were picked up from DCC was on December 28, 2006 with a Certificate of Recycling issued on January 3, 2007; therefore, based on the quantity of spent lamps observed in storage and DCC's stated generation rate universal waste lamps appeared to be stored for longer than one year, thus violating 40 CFR 273.15(a)

9. *40 CFR 265.32(b) states that all facilities must be equipped with a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. During the inspection, the inspector asked the facility representative where the nearest telephone was located in the hazardous waste accumulation area and the facility representative stated that it was located in the administrative office, thus violating 40 CFR 265.32(b).

*Violation added following review of the Compliance Evaluation Inspection (CEI)

Request for Information

1. With regard to Violation Numbers 1 and 2, please provide the following information concerning your hazardous waste determinations on the spent Br crucibles and paint cans generated at your facility:
 - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the applicable listed waste code(s) in your response;**
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the applicable characteristic waste code(s) in your response;** and
 - d. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **If you apply knowledge of the material to make the waste determination, please provide all applicable hazardous waste codes for the waste in your response.**
2. With regard to Violation Numbers 3 and 8, please provide photo documentation illustrating that universal waste lamps are being properly managed at your facility (i.e., labeling, demonstrating length of time accumulated, closed container, etc.) Also, provide documentation of the proper disposal of the universal waste lamps that were observed during the inspection.
3. With regard to Violation Number 4, please provide an explanation of the decline of hazardous waste generation from September 30, 2014 to June 18, 2015 and provide copies of all manifests for the 3 year period preceding the date of your receipt of this letter.
4. With regard to Violation Numbers 5-7, what actions, if any, has your facility taken to return to compliance with these violations? Provide documentation illustrating your facility's compliance.

5. Please provide the following information concerning your hazardous waste determination on the aluminum casting waste streams considering the presence of chromium generated at your facility:
- a. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the applicable listed waste code(s) in your response;**
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the applicable characteristic waste code(s) in your response;** and
 - d. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **If you apply knowledge of the material to make the waste determination, please provide all applicable hazardous waste codes for the waste in your response.**

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.